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September 12, 2000

VIA FACSIMILE & REGULAR MAIL

Ms. Shelley Woods
Assistant Attorney General
P.O. Box 899
221 W. High Street
Jefferson City, MO 65102

Re: Mid-States Paint and Chemical Company
9315 Watson Industrial Park
St. Louis, Missouri

Dear Ms. Woods:

This letter is prepared in response to your correspondence dated August 4, 2000, and to follow up on recent requests for information submitted to MDNR by Johnson Consulting. As you are aware, Johnson Consulting submitted requests for records to the MDNR Hazardous Waste Program ("HWP") for the above-referenced site on November 3, 1999, and August 14 and 23, 2000. As a courtesy to HWP, the August 14th request specifically noted several documents that were not provided by MDNR in response to the November 3rd request, and also requested copies of the soil Corrective Action Plan ("CAP") and the findings of MDNR's December, 1999 site visit. We have a copy of MDNR's August 22, 2000 approval of the CAP, which indicates that the CAP was submitted to MDNR on June 26, 2000.

HWP has responded to Johnson Consulting's August 14 and 23, 2000 requests for information by refusing to send copies of the requested documents, and has advised Mr. Johnson that the information requests have been forwarded to your attention. To date, Johnson Consulting has received none of the requested documents and no explanation for the delay in responding to the requests for information. On behalf of Johnson Consulting, I am requesting a written statement of the grounds for MDNR's denial of the information request, pursuant to § 610.023 RSMo. We believe MDNR's refusal to provide the requested documents violates Missouri statutes and public policy which mandate open access to all public records of governmental agencies. §610.011 RSMo.

As noted above, one of the requested documents is a CAP for performing soil remediation activities at the Mid-States' site. Because the State of Missouri is treating the underground storage tanks ("USTs") at this site as regulated hazardous substance or petroleum tanks subject to the HWP and the Petroleum Storage Tank Insurance Fund ("PSTIF"), the CAP submitted by

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